

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *gj* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

JOHN FELIX GREER,

Plaintiff,

vs.

UNITED STATES OF AMERICA,
et al.,

Defendants.

X
X
X
X
X
X
X
X
X
X
X

No. 05-2640-D/V

ORDER GRANTING EXTENSION OF TIME
TO COMPLY WITH PLRA OR PAY FULL \$250 CIVIL FILING FEE

Plaintiff John Felix Greer, Bureau of Prisons inmate registration number 15966-076, an inmate at the West Tennessee Detention Facility¹ in Mason, Tennessee, filed a pro se complaint pursuant to Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1974), on August 8, 2005. The Court issued an order on October 26, 2005 directing the plaintiff, within thirty days, to comply with the Prison Litigation Reform Act of 1995 ("PLRA"), 28 U.S.C. § 1915(a)-(b), or remit the entire \$250 civil filing fee of \$250. The plaintiff filed a response to that order on November 23, 2005.

The in forma pauperis affidavit filed by the plaintiff does not comply with the PLRA.² The plaintiff has not submitted an inmate

¹ The word "prison" is used in this order to refer to all places of confinement or incarceration, including jails, penal farms, detention and classification facilities, or halfway houses.

² Plaintiff is correct that this document was submitted with his original complaint and, therefore, the statement in the original order that "the plaintiff (continued...)"

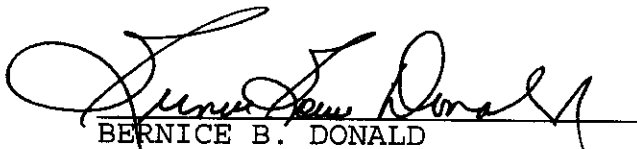
This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 12/9/05

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trust fund account statement, and the informed called for by the PLRA has not been certified by the trust fund account officer. Accordingly, as the plaintiff has requested, the Court CONSTRUES the plaintiff's response as a request for a thirty-day extension of time to comply with the October 26, 2005 order and, as so construed, the Court GRANTS the plaintiff's motion. The due date for the submission of the PLRA documentation or the civil filing fee is extended until thirty (30) days from the date of entry of this order.

The plaintiff has pointed out that the Clerk has apparently not sent him a copy of the prisoner in forma pauperis affidavit, as specified in the October 26, 2005 order. The Court is ORDERED, for the second time, to do so forthwith.

IT IS SO ORDERED this 30th day of November, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE

² (...continued)

has not submitted . . . an in forma pauperis affidavit" is incorrect. Because the affidavit was stapled to the complaint, it was not docketed separately and the Court overlooked it. Because the affidavit submitted by the plaintiff does not satisfy the requirements of the PLRA, however, the Court would have issued substantially the same order directing the plaintiff to comply with the PLRA in any event.



Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 2:05-CV-02640 was distributed by fax, mail, or direct printing on December 13, 2005 to the parties listed.

John Felix Greer
WEST TENNESSEE DETENTION FACILITY
15966-076
P.O. Box 509
6299 Finde Naifeh Jr., Dr.
Mason, TN 38049

Honorable Bernice Donald
US DISTRICT COURT